

**Bruce R. Obert
Somerset County
Norridgewock, Maine
A-737-71-B-R**

) **DEPARTMENTAL**
) **FINDINGS OF FACT AND ORDER**
) **AIR EMISSION LICENSE**

After review of the air emission license application, staff investigation reports, and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., Section 344 and Section 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

Bruce R. Obert (Obert), located in Norridgewock, Maine has applied to renew their Air Emission License, permitting the operation of their portable crushed stone and gravel facility.

B. Emission Equipment

Rock Crushers:

<u>Designation</u>	<u>Powered</u>	<u>Process Rate (tons/hour)</u>	<u>Control Device</u>	<u>Date of Manufacture</u>
Primary	Diesel Drive	150	none	Pre 1983
Secondary	Diesel Drive	150	none	Pre 1983
Screen 1*	Diesel Drive	-	none	Post 1983
Screen 2*	Diesel Drive	-	none	Pre 1983

* These units are considered to be insignificant activities pursuant to Appendix B of Chapter 115 of the Air Regulations.

Diesel Units:

<u>Source ID</u>	<u>Max. Capacity</u>	<u>Max. Firing Rate</u>	<u>Fuel</u>
Diesel 1*	0.3 MMBtu/hr	3.0 gal/hr	Diesel, 0.05% Sulfur
Diesel 2*	0.3 MMBtu/hr	3.0 gal/hr	Diesel, 0.05% Sulfur
Diesel 3*	0.2 MMBtu/hr	2.0 gal/hr	Diesel, 0.05% Sulfur

* Diesels 1, 2, and 3 are determined to be insignificant activities leading to insignificant emissions pursuant to Appendix B of Chapter 115 of the Air Regulations.

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C. Application Classification

The application for Obert is classified as non-major based on the insignificant diesel emissions and the small, unquantifiable rock crusher emissions. This license is a renewal for a non-major source and has been processed as such.

II. BEST PRACTICAL TREATMENT

In order to receive a license, the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in Chapter 100 of the Bureau of Air Quality regulations.

A. Rock Crushers

The primary and secondary rock crushers were manufactured in 1969. The primary and secondary rock crushers are therefore **not** subject to EPA New Source Performance Standards (NSPS) Subpart OOO for Nonmetallic Mineral Processing Plants manufactured after August 31, 1983, with capacities greater than 150 tons/hr for portable plants and greater than 25 tons/hr for non-portable plants.

The regulated pollutant from the rock crushers is particulate emissions. Obert shall maintain water sprays on the rock crushers to meet the requirements of BPT for control of particulate matter (PM) emissions. Obert shall control visible emissions from the crushers to no greater than 10% opacity on a six minute block average basis for more than one (1) six (6) minute block average in a 1- hour period.

B. Stock Piles and Roadways

BPT for all potential sources of fugitive PM emissions, including material stockpiles and unpaved roadways, shall be controlled by wetting with water, with calcium chloride, or other methods as approved by the Bureau of Air Quality to prevent visible emissions in excess of 10% opacity on a six minute block average basis for more than one (1) six (6) minute block average in a 1- hour period.

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III.EMISSION STANDARDS

A. Rock Crushers

Particulate emissions from primary and secondary rock crushers are considered to be generally unquantifiable. Therefore, opacity is the proposed means of demonstrating compliance and shall be limited to no greater than 10% opacity on a six minute block average basis for more than one (1) six (6) minute block average in a 1- hour period.

B. Stock Piles and Roadways

Opacity shall be limited to 10% opacity on a six minute block average basis for more than one (1) three (3) minute block average in a 1- hour period from the aggregate piles, material stock piles and unpaved roadways.

IV. AMBIENT AIR QUALITY ANALYSIS

According to the Maine Regulations Chapter 115, the level of air quality analyses required for a minor source shall be determined on a case-by-case basis.

Based on the information available in the file, and the similarity to existing sources, Maine Ambient Air Quality Standards (MAAQS) will not be violated by this source.

ORDER

Based on the above Findings and subject to conditions listed below the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-737-71-B-R, subject to the following conditions:

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department

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- deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions.
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115.
 - (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both.
 - (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request.
 - (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 MRSA §353.
 - (6) The license does not convey any property rights of any sort, or any exclusive privilege.
 - (7) The licensee shall maintain and operate all emission units and air pollution control systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions.
 - (8) The licensee shall maintain sufficient records, to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request.
 - (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for the renewal of a license or amendment shall not stay any condition of the license.
 - (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been

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necessary in order to maintain compliance with the conditions of the air emission license.

- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
- a. perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 2. pursuant to any other requirement of this license to perform stack testing.
 - b. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
 - c. submit a written report to the Department within thirty (30) days from date of test completion.
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- a. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
 - b. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
 - c. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.

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- (13) Notwithstanding any other provision in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement.
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emissions and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation.
- (15) Upon the written request of the Department, the licensee shall establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status.

SPECIFIC CONDITIONS

- (16) Rock Crushers
- a. Obert shall maintain water sprays on the rock crushers to meet the requirements of BPT for control of particulate matter (PM) emissions. Obert shall control visible emissions from the crushers to no greater than 10% opacity on a six minute block average basis for more than one (1) six (6) minute block average in a 1- hour period.
 - b. Obert shall maintain a log detailing and quantifying the hours of operation on a daily basis for all of the primary and secondary rock crushers. The operation log shall be located at the facility whenever the facility is in operation.
 - c. Obert shall maintain records depicting date and duration of maintenance or other work performed on the water spray bars.
- (17) Potential sources of fugitive PM emissions including material stockpiles and unpaved roadways shall be controlled by wetting with water, with calcium chloride, or other methods as approved by the Bureau of Air Quality to prevent visible emissions in excess of 10% opacity on a six minute block average basis for more than one (1) three (3) minute block average in a 1- hour period.
- (18) Obert shall notify the Bureau of Air Quality, by a written notification at least 10 days in advance, prior to relocation of any equipment carried on this license. Written notification shall also be made to the municipality where the equipment

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- will be relocated to, except in the case of an unorganized territory where notification will be made to the respective county commissioners.
- (19) Obert shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order.
- (20) The term of this order shall be for five (5) years from the signature date below.

DONE AND DATED IN AUGUSTA, MAINE THIS DAY OF 2003.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAWN R. GALLAGHER, COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: March 21, 2003

Date of application acceptance: April 14, 2003

Date filed with the Board of Environmental Protection _____

This order prepared by Jonathan Voisine, Bureau of Air Quality